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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/670,919

09/25/2003

Phillip M. Morgan

2003-052-TAP

6541

7590

07/27/2005

Timothy R. Schulte
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EXAMINER

HAUGLAND, SCOTT J

ART UNIT

PAPER NUMBER

3654

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/670,919	Applicant(s) MORGAN ET AL.	
	Examiner Scott Haugland	Art Unit 3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-6,12,13 and 15-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-6,12,13 and 15-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

[Handwritten signature]

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4-6 12, 13, and 15-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nayak (U.S. Patent No. 5,868,333) in view of Ishihara et al (U.S. Patent No. 6,435,439).

Nayak discloses a magnetic tape cartridge comprising a door 54 on a first face of the cartridge, a slider 66 on a second face of the cartridge adjacent the first face, a belt 68 connecting the door and the slider so that the door can be opened by movement of the slider, belt post 26 for guiding the belt so that it bends at an angle, and a torsion spring 72 that biases the door toward its closed position.

Nayak does not disclose that the door 54 opens by sliding parallel to the first face or that a compression spring provides force to close the door.

Ishihara et al teaches providing a tape cartridge 1 with a sliding door 27 that slides parallel to a face of the cartridge that includes an aperture closed by the door. Ishihara et al teaches providing the cartridge with a compression spring 10, 36 to provide a force to close the door.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Nayak with a sliding door as taught by Ishihara et al to reduce the space required to open the door. It would have been obvious to provide Nayak with a compression spring as taught by Ishihara et al to provide the force for biasing the door to the closed position since it would have been apparent to an ordinary artisan that many different types of springs would be capable of providing the required closing force. Use of a compression spring allows for arrangement of parts to reduce the height (perpendicular to the large faces of the cartridge) of the door mechanism.

Response to Arguments

Applicants' arguments filed 5/6/05 have been fully considered but they are not persuasive.

Applicants argue that Nayak does not disclose a belt within the cartridge as claimed. However, the cable 68 of Nayak reads on the broadly claimed belt. The structure referred to as a cable in Nayak is clearly a belt within the meaning of the term as defined in Applicants' specification and claims.

Applicants argue that guide member 26 of Nayak is not a post. However, the term "post" does not specify a structure of any particular shape. The guide member of Nayak projects from the surface of the cartridge case and guides the belt 68 around a corner of the case as in Applicants' invention. Thus, the guide 26 is a post as broadly recited in the claims.

Applicants argue that there is no motivation to modify Nayak as stated in the last Office action since there is no need in Nayak for saving space as evidenced by the fact that the door pivots open and Ishihara does not state why a sliding door is used. However, the fact that the device of Nayak is operable with a pivoting door does not mean that the device would not benefit from application of the teachings of Ishihara et al or that the teachings of Ishihara et al are not applicable to the device of Nayak. An ordinary artisan would have recognized the obvious advantage of the sliding door arrangement of Ishihara et al in eliminating the need for space around the cartridge when mounted within a tape drive apparatus to allow the swinging of the cartridge door. It is not necessary for Ishihara et al to explicitly state this benefit. Thus, Ishihara et al suggests the use of a sliding door in a cartridge such as that of Nayak.

Applicants further argue that Ishihara et al uses a spring and an external actuator to open the sliding door and does not have any need or use for a the belt shown in Nayak. However, while it may have been obvious to modify Ishihara et al to provide a belt for operating the door, this is not the modification proposed by the Examiner. Nayak already has the claimed belt and Nayak has a torsion spring 72 for biasing the pivoting door to a closed position. Ishihara et al suggests the provision of a sliding door in lieu of the pivoting door of Nayak as discussed above. Ishihara et al also teaches the use of a linearly acting spring for a sliding door which would clearly have been more appropriate to that type of door than the spring of Nayak.

Applicants argue that Nayak and Ishihara et al are not combinable since they address different problems. However, as noted by Applicants, they each disclose

complete cartridges and, therefore, explicitly or implicitly address various structures and problems. Due to the similarity of their structures and intended functions, a number of teachings of one would be applicable to the other. The references should be considered for what they would suggest as a whole to an ordinary artisan.

In response to applicant's argument based upon the age of the references, contentions that the reference patents are old are not impressive absent a showing that the art tried and failed to solve the same problem notwithstanding its presumed knowledge of the references. See *In re Wright*, 569 F.2d 1124, 193 USPQ 332 (CCPA 1977).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

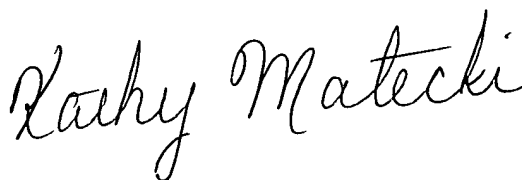
Art Unit: 3654

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Haugland whose telephone number is (703) 305-6498. The examiner can normally be reached on Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (703) 308-2688. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


sjh
7/19/05



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